

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
FEBRUARY 22, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

Members of the Board of Supervisors and staff met in work session to review the agenda submitted for the meeting.

FY 2001 BUDGET WORK SESSION

A work session was held to review the proposed FY 2001 budget.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda subject to adding A Resolution Authorizing the Advertisement of Parcel #6994-07-8072 as Part of the Proposed Boundary Adjustment Between the County of Fauquier and the Town of Warrenton and Ratifying the Date of March 13, 2000 for the Public Hearing on the Proposed Boundary Adjustment Hearing to the Consent Agenda. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: ***None***

Absent During Vote: ***None***

Abstention: ***None***

CITIZENS TIME

- Dennis McMullen, Scott District, asked that the signs used to post zoning changes in the County be enlarged so that they are easier to read.
- John Williams, Center District, encouraged Board members to consider joining Planning District 8, pursuing Cost of Competing, and to ask School Board members to participate in these efforts.
- Keith Severin, Scott District, spoke regarding the need for more volunteers at the Public Library.
- Chuck Medvitz, Scott District, asked that Board members look at the proposed FY 2001 budget prudently.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the February 7, 2000 Regular Meeting and the February 9 and 10, 2000 Adjourned Meetings

A Resolution to Endorse Support for the Route 50 Traffic Calming Task Force to Participate in the Selection Process for the Design and Engineering Firm to be Chosen for Route 50 Improvements

RESOLUTION

A RESOLUTION TO ENDORSE SUPPORT OF THE INITIATIVE TO INCLUDE MEMBERS OF THE ROUTE 50 TRAFFIC CALMING TASK FORCE

WHEREAS, in May 1999 the Secretary of Transportation formed the Route 50 Traffic Calming Task Force to work on implementation of the traffic calming project; and

WHEREAS, the Task Force includes members of the Commonwealth Transportation Board, elected officials, citizens from the affected areas, and citizens who worked on development of the plan; and

WHEREAS, Supervisor Harry Atherton is Fauquier County's representative on the Task Force; and

WHEREAS, the Task Force has been meeting regularly for several months with Virginia Department of Transportation officials and are now in the process of procuring the services of a consultant to design and engineer the project; and

WHEREAS, at its meeting January 24, 2000, the Task Force was informed by the Virginia Department of Transportation that only members of public bodies could participate in the review and selection of a consultant; and

WHEREAS, the Task Force is seeking equal representation on the evaluation team based on the fact that the Task Force was appointed by Secretary of Transportation Ybarra, that it holds its meetings in public, records its proceedings and operates within the confines of the Freedom of Information Act; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the Board does hereby support the initiative to include members of the Route 50 Traffic Calming Task Force in the selection process for the design and engineering firm to be chosen for Route 50 improvements.

A Resolution to Authorize Advertisement of the FY 2001 Budget Public Hearing and Adoption of the FY 2001 Budget Calendar

RESOLUTION

A RESOLUTION TO AUTHORIZE ADVERTISEMENT OF THE FY 2001 BUDGET PUBLIC HEARING
AND ADOPT THE FY 2001 BUDGET CALENDAR

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation and adoption of an annual budget for the County of Fauquier; and

WHEREAS, the County Administrator is charged with the responsibility of submitting a proposed budget to the Board of Supervisors; and

WHEREAS, the Board of Supervisors as a committee of the whole will scrutinize and modify as necessary the County Administrator's Proposed Budget; and

WHEREAS, the Office of Management and Budget has developed a Budget Calendar designed to facilitate the successful adoption of the County's Budget; and

WHEREAS, the Code of Virginia requires that a public hearing be duly advertised and held on the proposed budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the County Administrator be, and is hereby, directed to advertise a public hearing in accordance with this resolution and the Code of Virginia to receive public comments on the proposed budget; and, be it

RESOLVED FURTHER, That the FY 2001 Budget Calendar be approved and adopted as follows:

FAUQUIER COUNTY BOARD OF SUPERVISORS

FY 2001 Budget Calendar

February 22, 2000 – Regular Board of Supervisors' meeting

Work Session (2 p.m. to 5 p.m.)

Overview of Proposed Budget/Review Protocols (10 minutes)

Revenues (25 minutes)

Schools (20 minutes)

Commonwealth's Attorney (5 minutes)

Treasurer (5 minutes)

Commissioner of the Revenue (5 minutes)

Break (15 minutes)

Clerk of the Circuit Court (10 minutes)

Sheriff (10 minutes)

CIP (15 minutes)

Contributions (15 minutes)

Environmental Services - Convenience Sites (15 minutes)

New Initiatives (15 minutes)

Supervisors' Time (15 minutes)

March 6, 2000 - Regular Board of Supervisors' meeting

Work Session (2 p.m. to 3 p.m.)

Reassessment (5 minutes)

Volunteer Center (5 minutes)

Johnson Grass (5 minutes)

Vint Hill EDA (5 minutes)

Support Services (10 minutes)

Non-departmental (10 minutes)

Board of Supervisors (5 minutes)

Law Library (5 minutes)

Supervisors' Time (10 minutes)

Work Session with Constitutional Officer (3 p.m. to 4 p.m.)

Work Session with School Board (4 p.m. to 5 p.m.)

Public Hearing (7:30 p.m.) *Tentatively scheduled at Warrenton Middle School*

March 13, 2000 – Adjourned Board of Supervisors' meeting

Work Session (1 p.m. to 4 p.m.)

Finance (5 minutes)

Information Resources (10 minutes)

Social Services (5 minutes)

CSA (5 minutes)

Juvenile and Domestic Relations Court (5 minutes)

Parks and Recreation (10 minutes)

Library (10 minutes)

Community Development (10 minutes)

Break (15 minutes)

Revenues (15 minutes)

Markup/Markdown (90 minutes)

March 16, 2000 – Adjourned Board of Supervisors’ meeting

Work Session (1 p.m. to 5 p.m.)

Markup/Markdown

March 20, 2000 – Regular Board of Supervisors’ meeting

Work Session (2 p.m. to 5 p.m.)

Adoption of FY 2001 Budget (6:30 p.m.)

A Resolution to Appoint James G. Koehr to the Fauquier-Rappahannock Community Criminal Justice Board

RESOLUTION

A RESOLUTION TO APPOINT JAMES G. KOEHR TO THE FAUQUIER/RAPPAHANNOCK COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the Virginia General Assembly enacted legislation (*Code of Virginia* §53.1-180) mandating the creation of Community Criminal Justice Boards; and

WHEREAS, as a result of said legislation, the Fauquier County Board of Supervisors adopted a resolution on May 2, 1995 appointing members to a joint Community Criminal Justice Board with Rappahannock County; and

WHEREAS, James G. Koehr is a citizen of good character whose knowledge and input will make a valuable contribution to the Community Criminal Justice Board; and

WHEREAS, a motion was made, seconded and unanimously adopted by the Community Criminal Justice Board at its January 27, 2000 meeting that James G. Koehr be recommended to the Fauquier County Board of Supervisors as an appointee to the Community Criminal Justice Board; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 22nd day of February 2000, That James G. Koehr be appointed to the membership of the Fauquier/Rappahannock Community Criminal Justice Board.

Authorization to Abolish the Position of Receptionist/Office Associate I and to Establish the Position of Executive Assistant I in the Office of the County Administrator

RESOLUTION

AUTHORIZATION TO ABOLISH THE POSITION OF RECEPTIONIST/OFFICE ASSOCIATE I AND TO ESTABLISH THE POSITION OF EXECUTIVE ASSISTANT I IN THE OFFICE OF THE COUNTY ADMINISTRATOR

WHEREAS, the Office of the County Administrator recently established a new organizational structure to include an Assistant County Administrator position; and

WHEREAS, this reorganization will better accommodate the work load of the County Administrator's office; and

WHEREAS, the position of Receptionist/Office Associate I (grade 9) has recently become vacant; and

WHEREAS, upgrading this position to the classification of Executive Assistant I (grade 16) is necessary to support the restructured Office of the County Administrator and will allow a more efficient use of staff; and

WHEREAS, the Executive Assistant I position would serve as support staff for the assistant and deputy administrators; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the Receptionist/Office Associate I position be, and is hereby, reclassified to the Executive Assistant I position effective February 22, 2000; and, be it

RESOLVED FINALLY, That the County Administrator will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

A Resolution to Amend the Board of Supervisors Legislative Proposals for the 2000 General Assembly

RESOLUTION

A RESOLUTION TO DECLARE THE BOARD OF SUPERVISORS

LEGISLATIVE PROPOSALS FOR THE 200 GENERAL ASSEMBLY

WHEREAS, the County of Fauquier has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2000 VACo Legislative Program; and

WHEREAS, the County's interests can be proposed with united support of other localities if contained in the VACo Legislative Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the following items be, and they are hereby, adopted as the County's legislative issues for consideration by the 2000 General Assembly.

TAX ISSUES:

Business Facility Job Tax Credit – Fauquier County strongly supports this legislation in the form it was introduced by Delegate Joe May during the 1999 General Assembly Session. This bill would provide that localities which have businesses qualifying for the business facility job tax credit would receive from the state a 20 percent rebate of the personal income tax earned as a result of the jobs created by the qualifying businesses. The rebate will be paid to the locality in which the employee resides.

The following item was added to the Board of Supervisors Legislative Program September 7.

Revenue Sharing - Fauquier County strongly supports any legislative proposal that would result in the State sharing a portion of its income tax revenues with localities (provided that the legislation calls for more than the replacement of existing local revenue sources) and provides at least some local flexibility in determining how it should be used.

Cost of Competing - Fauquier County respectfully requests those State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula. All political subdivisions having public school systems located in Planning District 8, the Northern Virginia Planning District Commission, receive Cost of Competing funds specifically ear-marked for teacher compensation. Several years ago, the General Assembly authorized Fauquier County's membership in Planning District 8. For Fauquier County to recruit and retain highly qualified public school division teachers, Fauquier County must be able to compensate teachers comparable to our Northern Virginia neighbors.

Northern Virginia Differential for State Employees - The Commonwealth of Virginia pays state employees working in Northern Virginia, defined as the Northern Virginia Planning District Commission, a supplement on the base state compensation. This supplement is often referred to as the Northern Virginia Differential. Health Department, Cooperative Extension and State Police employees working in the adjacent communities of Prince William and Loudoun Counties receive the Northern Virginia Differential. Unless and until the Northern Virginia Differential is extended to Fauquier County, our community will remain at risk of losing highly qualified state employees to our neighboring jurisdictions.

School Operations Funding - Fauquier County supports legislation that establishes a floor for state funding of school budgets. To avoid unintentionally "enriching the already rich", the floor would apply to statewide average per-capita, per-student or base-line year levels of expenditures for education. This proposal does not alter or modify the existing composite index, but rather targets jurisdictions like Fauquier County that experience unusual

reductions in state aid to education due to unusual demographic phenomenon. As an alternative, Fauquier County requests support and assistance in working with the appropriate state officials in examining the mechanics of the composite index with the goal of altering same to more equitably reflect Fauquier's true "ability to pay".

Additionally, Fauquier County supports the full funding of the State's share of the Standard's of Quality and full funding of any categorical educational mandates including pay raises.

Fauquier County supports school divisions providing detailed information on their budgets prior to their budget public hearing and supports school divisions being subject to the same publication and notice of public hearing requirements as local governments.

School Construction Funding - Fauquier County supports the continuation and increased funding of the School Construction Funding legislation. Fauquier County further supports modification of the distribution formula that would amend the provision that the "balance of funds distributed to each school division {shall be} based upon its relative share of average daily membership adjusted by its composite index" through the removal of "adjusted by its composite index."

Impact Fees for School Construction - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction in lieu of voluntary cash proffers for School Construction.

School Technology Funding - Fauquier County supports the full funding of the State's portion of the Standards of Learning relating to instructional technology

Integration of Use-Value Taxation into the Composite Index Calculation - Fauquier County supports the amendment of the composite index formula to consider the fiscal impact of use-value taxation. The composite index should use the value that real property is taxed on rather than the fair market value. The proposal may also benefit urban communities that freeze assessed values for taxation purposes as an inducement for property owners in designated zones to rehabilitate their properties.

Land Use Value Assessments - Fauquier County supports legislation that would authorize local governments in the Commonwealth of Virginia to determine minimum acreage requirements exceeding state minimum regulation for Land Use Value Assessments for Agricultural, Horticultural, or Forestal Real Estate.

Consideration of a Hold Harmless Provision Concerning Local Real Estate Revenues Lost Through Voluntary Local Participation in the State Sponsored Use Value Taxation Program- Fauquier County supports legislation which would reimburse localities for the amount of annual real estate tax revenues lost through the voluntary participation of localities in the State sponsored Land Use Taxation Program.

LAND USE PLANNING ISSUES:

Conditional Zoning - Fauquier County respectfully requests that the General Assembly delegation representing Fauquier County introduce in both the Senate and the House the language of 1997 House Bill No. 2657 relating to conditional zoning. The Northern

Virginia communities enjoy a much more flexible and productive form of conditional zoning authorization than Fauquier County presently has.

Comprehensive Plans - Fauquier County supports legislation that would require state agencies to give consideration to local comprehensive plans.

Local Authority Issuance of Permits - Fauquier County opposes any legislation, which would limit local authority relating to the issuance of special exceptions and special use permits.

Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.

Developer Reimbursements - Fauquier County supports legislation that would allow localities to require subsequent developers to reimburse initial developers on a pro rata basis, for off-site improvements provided by initial developers.

Takings - Fauquier County opposes any change in the existing eminent domain laws of the Commonwealth of Virginia or legislative expansion of the now existing property rights for which landowners must be compensated when such rights are affected by ordinance, regulation, legislation or other action taken by any county, city or town within this Commonwealth.

Vested Property Rights - Fauquier County opposes any legislation expanding the vested property rights of owners of land in the areas of zoning, subdivision and site plans beyond the law of vested rights existing within the Commonwealth of Virginia on July 1, 1993. In addition, Fauquier County supports the amendment of SB570 which became law July 1, 1998 that would clarify that actions taken by local government that would be considered as granting a vested right under SB570 be considered as granting that “right” only if the action was taken by the local government after the adoption of the legislation.

Manufactured Housing - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments as it pertains to manufactured housing.

Shared Land Use Data - Fauquier County supports efforts of the General Assembly to promote shared land use data and Geographic Information System (GIS) technology among state agencies, PDC's and localities.

Cost of Growth - Fauquier County supports the Virginia Association of Counties Region 7 initiative to develop equitable programs to address the pernicious problem of accelerated government costs associated with significant population growth.

SOLID WASTE/RECYCLING ISSUES:

Markets for Recyclables - Fauquier County requests the state to take an active role in developing markets for recyclables.

Deposit on Beverage Containers - Fauquier County supports legislation that would establish a deposit on beverage containers.

Non-biodegradable Containers - Fauquier County supports legislation to prohibit the use of non-biodegradable containers whenever safe, degradable alternatives are viable.

LOCAL GOVERNMENT ENABLING & SELF DETERMINATION ISSUES:

Courthouse Relocation - A Virginia Attorney General's opinion suggests that a referendum is required for any relocation of the Circuit Courthouse. Fauquier County requests legislation that would permit relocation of the Courthouse, without referendum, within one mile of the existing Courthouse location.

Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the state government to local government.

Funding of State Mandated Laws - Fauquier County supports legislation to mandate state funding of state laws requiring local appropriations. Further, Fauquier County requests that the General Assembly place a sunset or reexamination requirement for all legislation adversely impacting local government. Periodic examination of legislation pertaining to mandates and state imposed requirements on local governments is essential to assure that state government officials understand the implications of state mandates on local governments.

PUBLIC SAFETY ISSUES:

Alternatives to Incarceration for Non-Violent Offenders - Fauquier County exhorts the Commonwealth of Virginia to investigate safe, cost-effective alternatives to incarceration for non-violent offenders in order to reduce state and local jail overcrowding.

Block Grant Funding for Correctional Facilities - Fauquier County supports legislation which requires money appropriated for payment of operational costs for local correctional facilities to be paid in a single block grant to the localities on the first day of the fiscal year for which the appropriations or apportionments are made.

State Pays for Housing State Prisoners - Fauquier County supports increase in what state pays for housing state prisoners in local jails based on state analysis of actual costs incurred by local governments.

HUMAN SERVICES:

Comprehensive Services Act - Fauquier County opposes any change in the funding formula for the Comprehensive Services Act, which would mandate an increase in the current local match rate of 45%.

Fauquier County supports adequate State funding to cover both mandated and court-ordered placement of children and cover local costs for administering the Comprehensive Services Act.

The following two items were added to the Board of Supervisors Legislative Program August 2, 1999.
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LIBRARY SERVICES:

Full Funding of the State Aid Formula for Public Libraries Fauquier County supports legislation that will fully fund the state aid formula for public libraries.

Funding of Public Library Technology Plan Fauquier County supports legislation that will fund the Library of Virginia public library technology plan “Infopowering the Commonwealth.”

The following five items were added to the Board of Supervisors 2000 Legislative Program September 7, 1999.

PARKS AND RECREATION:

State Designation of Monroe Park: Fauquier County supports the designation of the Monroe Park Gold Mining Camp as the official state gold mining interpretive center for the state.

Inclusion of Monroe Park in Any Upcoming State Cultural Bond Issue: Fauquier County requests the inclusion of the gold mining camp in any cultural facilities bond legislation that may be proposed.

Background Checks: Fauquier County supports the implementation of the national background check program that was passed by the federal government in October 1998

Penalties for Weapon Possession in Recreational Facilities: Fauquier County supports stiffer penalties for possession of weapons in public parks and community centers.

Proffer Authority for Parks and Recreation Facilities: Fauquier County supports the expansion of local government proffer authority to include adequate recreational facilities needed to serve new residential growth.

The following item was added to the Legislative Program December 20, 1999.

Fauquier County endorses the legislative priorities for the 2000 General Assembly Session of the Virginia League of Social Services Executives as revised November 11, 1999.

The following two items were added to the Legislative Program January 18, 2000.

Fauquier County supports the request of the Virginia Association of Resource Conservation and Development Councils for additional state money to support the Virginia State Parks System.

Fauquier County supports the request of the Conservation Land Coalition request for the establishment of a dedicated and adequate state-funding source to provide matching funds for localities to assist with the purchase of conservation easements and other land conservation needs.

The following 11 items were added by the Board of Supervisors at their February 7, 2000 meeting.

Fauquier County supports legislation to permits localities to require, by ordinance, that an owner, occupant or other person in control of property remove or dispose of trash, garbage, refuse, litter

and other like substances which might endanger the health and safety of others including the ability to require that grass, weeds, and other foreign growth be cut.

Fauquier County supports legislation that would prohibit operation of any truck or tractor truck/semitrailer combination on U.S. Route 17 in Fauquier County between U.S. Route 50 and Interstate 66, except for local deliveries.

Fauquier County urges the General Assembly to endeavor to address Virginia's growing transportation needs for roads and mass transit improvements. If necessary, increases in the state fuels tax should be considered while exercising caution in funding transportation improvements from sources other than traditional user fees. Fauquier County strongly supports the continuation of the Rappahannock River Basin commission and its shared state-local funding program. The Board also urges the General Assembly to assure adequate funding for the Water Quality Improvement Fund in order to successfully implement the Rappahannock Tributary Strategy and the Board also supports efforts by the Commonwealth to work with the basin's localities to plan for the future water supply needs for the basin.

Fauquier County supports increased state funding for the Department of Historic Resources.

Fauquier County supports state funding for the expansion of the Virginia Birding Trail, which would link wildlife viewing sites using existing highways to showcase Virginia's wildlife year-round.

Fauquier County opposes any measure that would eliminate or reduce any local government revenue authority.

Fauquier County opposes House Bill 1418 and any other legislation which prohibits or restricts the local regulation of the promotion and marketing of alcoholic beverages as an unwarranted intrusion into the authority of local governments to regulate commercial uses and activities in commercial and other zoning districts.

Fauquier County opposes House Bill 590 and any other legislation which a) seeks to restrict the authority of public bodies to acquire or designate property for use as open space; or b) which requires that conservation easements purchased by localities include a provision that the public will be allowed to access the land that is the subject of the easement for the duration of the easement or c) places additional conditions on a locality's ability to acquire interests in title to property for means of preservation or provision of open space lands.

Fauquier County supports the budget amendment patroned by Senator Kevin G. Miller to provide \$500,000 in each year of the biennium from the state general fund to expand the availability of mediation services through contracts with community mediation centers and private providers.

Fauquier County supports the budget amendment patroned by Senator Kevin G. Miller to provide \$500,000 in each year of the biennium from the state general fund for mediation services to be administered by the Institute for Environmental Negotiation at the University of Virginia. The amendment specifies that \$50,000 each year will be provided to each of the eight community mediation centers in Charlottesville, Fairfax, Fredericksburg, Harrisonburg, Norfolk, Richmond, Roanoke, and Warrenton. Of the remaining funds, \$50,000 each year will be provided for start-up expenses for one or more additional community mediation centers in underserved regions of the Commonwealth, as determined by the Institute for Environmental Negotiation and \$50,000 each year shall be retained by the Institute for Environmental Negotiation for the coordination of data collection and evaluation, and to provide training, consultation and technical assistance.

The following item is being offered for Board of Supervisors consideration at their February 22, 2000.
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Fauquier County supports legislation that would provide additional state and federal resources, including funding, to enhance and expand community mental retardation services in the Commonwealth. Supervisor Larry Weeks is the amendment sponsor.

Preliminary Subdivision Application – Green View Subdivision

No action was taken.

Acceptance of Chittenden Drive and Brewster Lane in Misty Run Subdivision, Phase II Into the Secondary Highway System, Scott District

RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS

SUBDIVISION STREET ACCEPTANCE FOR

MISTY RUN SUBDIVISION, PHASE II

SCOTT MAGISTERIAL DISTRICT

WHEREAS, certain streets titled “Misty Run Subdivision, Phase II, Scott Magisterial District, Fauquier County” dated February 7, 2000, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in Misty Run Subdivision, Phase II, with necessary easements for cuts, fills, and drainage; recorded in Deed Book 609, Page 219, dated February 26, 1993; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Acceptance of Auburn Mill Road, Kelly Road, Leland Drive, Robert Hunt Court and Swain Drive in Emerald Oaks Subdivision, Phases I and II Into the Secondary Highway System, Scott District

RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS

SUBDIVISION STREET ACCEPTANCE FOR

EMERALD OAKS SUBDIVISION, PHASES I AND II

SCOTT MAGISTERIAL DISTRICT

WHEREAS, certain streets titled "Emerald Oaks Subdivision, Phases I and II, Scott Magisterial District, Fauquier County" dated February 7, 2000, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County;
and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in Emerald Oaks Subdivision, Phases I and II, with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 813, Page 370, dated August 13, 1998 and Deed Book 815, Page 1299, dated September 9, 1998, and, be it,

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution Authorizing the Advertisement of Parcel #6994-07-8072 as Part of the Proposed Boundary Adjustment Between the County of Fauquier and the Town of Warrenton and Ratifying the Date of March 13, 2000 for the Public Hearing on the Proposed Boundary Adjustment Hearing

RESOLUTION

A RESOLUTION AUTHORIZING THE ADVERTISEMENT OF PARCEL

#6994-07-8072 AS PART OF THE PROPOSED BOUNDARY

ADJUSTMENT BETWEEN THE COUNTY OF FAUQUIER AND

THE TOWN OF WARRENTON AND RATIFYING THE DATE OF

MARCH 13, 2000 FOR THE PUBLIC HEARING ON THE

PROPOSED BOUNDARY ADJUSTMENT HEARING

WHEREAS, the Board of Supervisors did, on February 7, 2000, direct the County Administrator to advertise a proposed boundary adjustment between the Town of Warrenton and the County of Fauquier; and

WHEREAS, Parcel #6994-07-8072 was inadvertently omitted from the list of parcels to be advertised for public hearing as part of the proposed boundary adjustment; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 22nd day of February 2000, That the County Administrator is hereby directed to add Parcel #6994-07-8072 to the parcels to be advertised as part of the proposed boundary adjustment between the Town of Warrenton and the County of Fauquier; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby ratify the date of March 13, 2000 as the date for joint public hearing on the proposed boundary adjustment.

SPECIAL EXCEPTION – LYNN A. PIROZZOLI, OWNER/APPLICANT

A public hearing was held at the December 6, 1999 meeting to consider a request for special exception approval from Lynn A. Pirozzoli to allow fieldstone patio area and catering staging area/horse boarding annex for use by boarders, that were constructed in close proximity to, but not the exact location specified in the previous special exception application. Mr. Winkelmann moved to table the decision until the March 6, 2000 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION TO COMPENSATE BRUCE CASNER FOR THE ALLEGED DAMAGE TO HIS LAND AND HOME AS A RESULT OF THE OPERATION OF THE COUNTY LANDFILL

At the January 18, 2000 meeting, John L. Marshall, Jr., representing Bruce Casner, requested the Board of Supervisors consider adopting a resolution to compensate Mr. Casner for the alleged damage to his land and home as a result of the operation of the County Landfill. Mr. Graham moved to table the decision until the March 6, 2000 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

APPOINTMENTS

By unanimous consent, the following appointments were approved:

Affordable Housing Committee

(terms expire 12/31/03)

Don Khoury representing the Board of Realtors

Bruce Jamison representing the Fauquier Family Shelter

Alfred White representing the NAACP

Steve Potucek representing the Northern Virginia Building Industry Association

Architectural Review Board

(term expires 12/31/03)

Carolyn Hartman Cedar Run District Historian

Capital Improvements Program Committee (CIP)

(term expires 12/31/03)

David deGive Financial Expert

Disability Services Board

(terms expire 2/03)

Lynda Carscallen representing Fauquier County Public Schools

Jo Sargent - Consumer

Industrial Development Authority

(terms expire 3/13/04)

Julian Scheer Cedar Run District

Sally Murray At-Large

Social Services Board

(term expires 2/04)

Carmen Fox Lee District

SUPERVISORS TIME

- Mr. Atherton said that he would sponsor a resolution at the March 6, 2000 meeting to request the Planning Commission to recommend Zoning Ordinance amendments to allow 1,200 square feet for dwelling units.
- Mr. Weeks asked for Board support in requesting that a concept plan study be conducted for a 150MHz radio system. He said that the expense for this study would be borne by Dr. David Collins and that the plans and funds for the proposed 800MHz radio system would remain untouched until after this evaluation.
- Mr. Lee announced that the Board of Supervisors would be meeting in work sessions several times during the month of March to review the proposed FY 2001 budget.
- Randy Wheeler, Deputy County Administrator, gave a status update on legislative issues before the General Assembly.
- Sheriff Higgs spoke briefly regarding legislative issues that affect law enforcement.

ZONING ORDINANCE TEXT AMENDMENT – SECTION 5-917.7 – CONSIDER PERMITTING LIGHTING AT GOLF PRACTICE FACILITIES

A public hearing was held to consider Zoning Ordinance Text Amendments to Section 5-917.7 to allow outdoor lighting for golf practice facilities with additional standards in the Rural Agriculture Zoning District. Tom Ross spoke in favor of the ordinance amendment. Anita Tortorella, Chuck Medvitz, Dennis McMullin, Jim Stone, Daniel Owens, Keith Severin, Kitty Smith and Barbara Severin spoke in opposition. The public hearing was closed. Mr. Weeks moved to adopt the following resolution to deny the amendments. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION OF INTENT TO DENY ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTION 5-917 1., ADDITIONAL STANDARDS FOR GOLF PRACTICE FACILITY IN THE RURAL AGRICULTURE ZONE TO ALLOW OUTDOOR LIGHTING FOR GOLF PRACTICE FACILITIES WITH ADDITIONAL STANDARDS

WHEREAS, Fairview Golf Partners, L.L.C. have filed a request to amend the Fauquier County Zoning Ordinance, Article 5 Special Permits and Special Exceptions, Part 9, Category 9 Outdoor Recreation, Section 5-917 Additional Standards for Golf Practice Facility in the Rural Agriculture Zone to allow outdoor lighting for golf practice facilities with additional standards in the Rural Agricultural Zoning District; and

WHEREAS, the Fauquier County Planning Commission has held a public hearing regarding this matter and voted (3-2) to recommend approval of the amendment; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That Zoning Ordinance Text Amendment #44066 to amend the Fauquier County Zoning Ordinance, Article 5 Special Permits and Special Exceptions, Part 9, Category 9 Outdoor Recreation, Section 5-917 Additional Standards for Golf Practice Facility in the Rural Agriculture Zone to allow outdoor lighting for golf practice facilities with additional standards in the Rural Agricultural Zoning District is hereby denied.

SPECIAL EXCEPTION – JAMES ARTHUR SHARP, OWNER/APPLICANT

A public hearing was held to consider a request for special exception approval for James Arthur Sharp, Owner/Applicant, to allow for the installation of an alternative sewage disposal system, specifically a Type 3 Whitewater System. The property contains 2.77 acres and is located on the south side of Route 616 (Beach Road), approximately one-fourth mile west of its intersection with Route 643 (Meetze Road), Cedar Run District, PIN #6992-92-0127. James Sharp spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST

TYPE 3 "WHITEWATER" SEWAGE DISPOSAL SYSTEM

WHEREAS, the Property Owner and Applicant, James Arthur Sharp, has filed an application for a special exception to allow under Category 20, Public Utilities, of the Fauquier County Zoning Ordinance to construct and operate a Type 3 "Whitewater" System in lieu of a conventional drainfield on his 2.77-acre property on Beach Road; and

WHEREAS, the special exception application of James Arthur Sharp, Property Owner and Applicant, has been properly filed and all required notices of the public hearings have been properly made, and the Applicant has presented evidence both oral and documentary, and staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds more restrictive standards of Article 5-2000 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on January 27, 2000, on this special exception request and recommended approval subject to four (4) conditions; now, therefore, BE IT

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That Special Exception #SE99-CR-50, James Arthur Sharp, Property Owner and Applicant, property identified as PIN#6992-92-0127, be, and is hereby, APPROVED subject to following conditions:

CONDITIONS

1. Only the Type 3 "Whitewater" System shall be used.
2. The system shall remain in compliance with all applicable state and local requirements at all times.
3. Should the system be found by the County Health Department to be failing, operations will cease.
4. The County Soil Scientist, County Engineer and the County Health Department will be included and notified in the maintenance and monitoring of the system. A maintenance contract shall be required at all times during the use of the Type III "Whitewater" system, and a monitoring and maintenance report shall be presented biannually to the Fauquier County Health Department.

SUBDIVISION AND ZONING ORDINANCE AMENDMENTS – CONSIDER ELIMINATING ADDITIONAL BY-RIGHT DIVISIONS AVAILABLE IN CERTAIN LARGE LOT DIVISIONS

A public hearing was held to consider amending the Subdivision and Zoning Ordinances to eliminate a landowner's ability to further divide property through the proportionate share methodology once the applicant has utilized the large lot provisions of the Subdivision Ordinance. Jim Stone, representing Citizens for Fauquier County, and Kitty Smith spoke in favor of the amendments. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinances. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

SUBDIVISION ORDINANCE TEXT AMENDMENT TO AMEND
ARTICLE 2-39-C (LARGE LOT DIVISIONS) TO ELIMINATE ANY
ADDITIONAL BY-RIGHT DIVISIONS WHICH MIGHT BE AVAILABLE
UNDER PROPORTIONATE SHARE METHODOLOGY WHEN APPLICANTS
UTILIZE THE LARGE LOT DIVISION PROCESS AND THE LOTS RESULTING
ARE LESS THAN ONE HUNDRED (100) ACRES IN SIZE

WHEREAS, in March of 1999, Chapter 8, Rural Areas Land Use Plan, was adopted by the Fauquier County Board of Supervisors and which Plan recommended that in a new large lot division, any lot under 100 acres should surrender any additional by-right divisions available through the proportionate share methodology; and

WHEREAS, the Planning Commission initiated the Subdivision Ordinance Text Amendment to implement the Rural Plan recommendation outlined above and held a public hearing on this text amendment on January 27, 2000; and

WHEREAS, during the January 27, 2000, Planning Commission public hearing on the proposed Subdivision Ordinance Text Amendment, two (2) individuals spoke in favor of the proposed amendment and no one spoke in opposition; and

WHEREAS, at the January 27, 2000, Planning Commission meeting the Commission unanimously voted to recommend approval of the proposed Subdivision Ordinance Text Amendment; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That Article 2 of the Subdivision Ordinance be, and is hereby, amended as follows:

2-39 Subdivision

C) The division of a lot, tract or parcel of land into two or more parcels all of which are fifty (50) acres or greater for the purpose of transfer of ownership or building development provided:

- 1) the lots/layout conform to requirements of this Ordinance and other County Ordinances;
- 2) all lots are served by a right-of-way at least thirty (30) feet in width;

- 3) the design standards of Article 7-303.1 of the Zoning Ordinance are met, except that the right-of-way width may be reduced as provided above;
- 4) the homeowners association is established with covenants which provide for the maintenance and upkeep of the private street;
- 5) the highway entrance is approved by Virginia Department of Transportation; and
- 6) all platting requirements of Chapter 10 of this Ordinance are met.
- 7) No parcel of less than 100 acres which has been created using this exemption shall be redivided. A notation to this effect shall be contained on the plat and/or in the deed. Parcels of 100 acres or greater created in accordance with this provision may be redivided either (i) into parcels of no less than 50 acres pursuant to this exemption or (ii) in accordance with the proportionate share methodology outlined in Section 2-308(2) of the Fauquier County Zoning Ordinance.

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO AMEND ARTICLE 2-308 (MAXIMUM DENSITY) TO ELIMINATE ANY ADDITIONAL BY-RIGHT DIVISIONS WHICH MIGHT BE AVAILABLE UNDER PROPORTIONATE SHARE METHODOLOGY WHEN APPLICANTS UTILIZE THE LARGE LOT DIVISION PROCESS AND THE LOTS RESULTING ARE LESS THAN ONE HUNDRED (100) ACRES IN SIZE

WHEREAS, in March of 1999, Chapter 8, Rural Areas Land Use Plan, was adopted by the Fauquier County Board of Supervisors and which Plan recommended that in a new large lot division, any lot under 100 acres should surrender any additional by-right divisions available through the proportionate share methodology; and

WHEREAS, the Planning Commission initiated the Zoning Ordinance Text Amendment to implement the Rural Plan recommendation outlined above and held a public hearing on this text amendment on January 27, 2000; and

WHEREAS, during the January 27, 2000, Planning Commission public hearing on the proposed Zoning Ordinance Text Amendment, two (2) individuals spoke in favor of the proposed amendment and no one spoke in opposition; and

WHEREAS, at the January 27, 2000, Planning Commission meeting the Commission unanimously voted to recommend approval of the proposed Zoning Ordinance Text Amendment; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That Article 2-308 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

Add new Section 2-308.1:

2-308.1 Large Lot Development Option in the RA and RC Zones

As an alternative to division in accordance with the sliding scale zoning density set forth in Section 2-308, any parcel zoned RA or RC which was of record as of May 21, 1981, and which is 100 acres or larger may be divided into lots of no less than 50 acres. Such lots shall be exempt from the requirements of the Subdivision Ordinance as provided by Section 2-39(3)(C) of the Subdivision Ordinance. No lot of less than 100 acres created in accordance with this alternative shall be further subdivided. Lots in excess of 100 acres may be divided either in accordance with this Section or in accordance with the sliding scale zoning density set forth in Section 2-308.

SUBDIVISION ORDINANCE TEXT AMENDMENT – CONSIDER ALLOWING A NINETY (90) DAY REVIEW PERIOD FOR PRELIMINARY PLANS AND BRING THE ORDINANCE INTO CONFORMANCE WITH THE CODE OF VIRGINIA

A public hearing was held to consider a Subdivision Ordinance Text Amendment to allow a ninety (90) day review period for preliminary plans rather than the sixty (60) days currently in the Ordinance. This amendment would bring the existing ordinance into conformance with Section 15.2-2260 of the Code of Virginia. Chuck Medvitz and Merle Fallon spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

**SUBDIVISION ORDINANCE TEXT AMENDMENT TO
AMEND CHAPTER 9 OF THE SUBDIVISION ORDINANCE TO ALLOW
A NINETY (90) DAY REVIEW PERIOD FOR PRELIMINARY PLANS**

WHEREAS, the Fauquier County Subdivision Ordinance currently allows for a sixty (60) day review period for preliminary plans; and

WHEREAS, Section 15.2-2260 of the Code of Virginia outlines a ninety (90) day review period for preliminary plans; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on the proposed Subdivision Ordinance Text Amendment at its January 27, 2000, meeting after which it unanimously voted to recommend to the Board of Supervisors approval of the proposed text amendment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 22nd day of February 2000, That Article 9 of the Fauquier County Subdivision Ordinance be, and is hereby, amended as follows to bring the Ordinance into conformance with the State Code:

9-6 Planning Commission Decision

A decision on the preliminary plat shall be rendered by the Commission within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation, is required for a feature or features of the preliminary plat, the Commission shall have an additional 45 days from the receipt of all such approval to act on the plat. When rendering an adverse decision on a preliminary plat, the Commission shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. Nothing in this Ordinance shall be construed to prevent an

applicant who has received an adverse decision on the preliminary plat from proceeding with preparation and submission of the final plat.

With no further business, the meeting was adjourned.